

## **REMARKS**

By this amendment, Applicant has amended claims 1, 3, 9, 14 and 18. As a result, claims 1-20 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserves the right to pursue the full scope of the subject matter of the original claims, or claims that are potentially broader in scope, in the current and/or a related patent application. Reconsideration in view of the following remarks is respectfully requested.

### **I. Rejection of claims 14-17 under 35 U.S.C. § 101**

In the Final Office Action, the Office rejects claims 14-17 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that the claims appear to be directed to a system that is made of only software instructions. By this response, Applicant has amended the preamble of claim 14 to expressly recite “[a] computer system for tracking data.” Claim 14. Applicant submits that a computer system necessarily includes hardware (i.e., at least one computer). As a result, Applicant respectfully requests withdrawal of the rejection of claims 14-17 as allegedly being directed to non-statutory subject matter.

### **II. Rejection of claims 18-20 under 35 U.S.C. § 101**

Further, the Office rejects claims 18-20 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. In particular, the Office alleges that since the claimed medium can comprise transmission signals, the invention fails to fall into one of the four categories of invention. By this response, Applicant has amended the preamble of claim 18 to expressly recite

a physical recordable medium, which qualifies as a manufacture. As a result, Applicant respectfully submits that claims 18-20 comprise statutory subject matter under 35 U.S.C. § 101 and requests withdrawal of the rejection thereof.

### **III. Rejection of claims 1-20 under 35 U.S.C. § 102**

Further, the Office rejects claims 1-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0095401 (Redmond). In order to maintain a proper rejection under 35 U.S.C. § 102(b), the Office must show that a single reference discloses each feature of the claimed invention. Applicant submits that the Office fails to show that Redmond discloses every feature of the claimed invention.

For example, with respect to claim 1, Applicant submits that the Office fails, inter alia, to show that Redmond discloses selecting a handler based on an identification of a particular tracked data item included in a request received from a client as in claim 1. In support of its rejection, the Office states that “the particular SAO being used is chosen based on how the ‘tracked data item’ is being stored in the database. This is a property of the ‘tracked data item’ and therefore one could say the SAO is being chosen based on the ‘tracked data item’.” Final Office Action, p. 11, full paragraph. By this response, Applicant has clarified that the handler is selected based on an identification of a particular tracked data item, not merely based on the way the tracked data item is stored as described in Redmond and relied upon by the Office in the rejection. As a result, Applicant respectfully requests withdrawal of the rejections of claim 1 and claims 2-8, which depend therefrom as allegedly being anticipated by Redmond.

The remaining independent claims 9, 14, and 18 include similar limitations as that discussed above with respect to claim 1. As a result, Applicant also respectfully requests

withdrawal of claims 9-20 as allegedly being anticipated by Redmond in view of the remarks presented above with respect to claim 1.

With further respect to claims 3, 9 and 18, the Office fails, *inter alia*, to show that Redmond discloses selecting the handler based on identifications of the particular tracked data item and the particular client as in claims 3, 9 and 18. In support of its rejection, the Office states that “[t]he SAO is selected based on both what database the request is directed towards and what product the client uses to make the request...” To this extent, the Office fails to show that Redmond discloses basing the selection on an identification of a particular client. Rather, the Office merely alleges that Redmond discloses the selection being based on “what product the client uses”. Applicant notes that multiple clients may use the same product. Further, Applicant reiterates that Redmond’s discussion of the ‘redirect.dat’ file is an override to the normal selection. As such, all other factors normally used in selecting the SAO are not utilized. In contrast, the handler is selected based on identifications of the particular tracked data item and the particular client in claims 3, 9, and 18. As a result, Applicant again respectfully requests withdrawal of the rejections of claims 3, 9 and 18 as allegedly being anticipated by Redmond.

#### **IV. Conclusion**

Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter.

Additionally, Applicant does not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office’s combinations and modifications have not been separately

addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary and/or in a related patent application, either of which may seek to obtain protection for claims of a potentially broader scope.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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